REMARKS

The Application has been carefully reviewed in light of the Office Action dated October 23, 2003 (Paper No. 5). Claims 1 to 10 are in the application, of which Claims 1, 4, 5 and 8 to 10 are the independent claims. Claims 1 to 10 are being amended herein. Reconsideration and further examination are respectfully requested.

With regard to a formal matter, the Office Action failed to acknowledge Applicant's claim to priority and receipt by the Patent Office of the certified copy of the priority document submitted with the February 14, 2000 Claim To Priority. Acknowledgment of the claim to priority and receipt of the priority document is respectfully requested.

By the Office Action, Claims 1, 4, 5 and 8 to 10 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,006,260 (Barrick), and Claims 2, 3, 6 and 7 have been rejected under 35 U.S.C. § 103(a) over Barrick and U.S. Patent 6,278,449 (Sugarto).

The present invention generally concerns transmission by a server of data generated by the server over a network for display by a terminal. More particularly, the present invention concerns transmission of either the requested data or a predicted end time for the generation of the requested data together with information indicating that generation of the data is in progress. In the latter case, the terminal re-issues a request for the data once the predicted time has lapsed. Since the server predicts an amount of time in which generation of the requested data is to be completed, the terminal can be made aware of the predicted time, and need not re-issue another request until after the expiration of the time, where the data has not been received by the terminal.

By virtue of this arrangement, it is possible for the terminal to avoid re-issuing a request for the data until the predicted amount of time has lapsed, thereby reducing the amount of load on the network communication channel between the server and the terminal.

Claims 1, 5 and 9

Turning to the specific language of the claims, Claim 1 defines a data processing method performed by a server for providing data to a terminal via a network. In a reception step of the method, a request for data loading is received from the terminal. A completion discrimination step discriminates whether a generation of requested data has completed. A first transmission step transmits to the terminal the requested data if the generation thereof has completed. A prediction step predicts an end time of the generation of the requested data if the generation thereof has not completed, and a second transmission step transmits to the terminal the predicted end time together with display information indicating that the data generation is in progress.

The applied art, namely Barrick and Sugiarto, is not seen to teach or to suggest the features of Claim 1. More particularly, neither Barrick nor Sugiarto, either alone or in any permissible combination thereof, is seen to teach or to suggest the features of predicting an end time of the generation of requested data if the generation thereof has not completed, and transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress.

Barrick is seen to concern gathering information related to an actual loading time experienced by a user of information over the network. (See Barrick, abstract).

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Barrick is seen to describe downloading a browser agent to a user machine in response to a request for a web page to measure the actual download time experienced by the user, and the actual time measured or a qualitative assessment is then sent by the browser agent on the user machine to the server. (See Barrick, col. 2, lines 18 to 35, col. 4, line 60 to col. 5, line 6 and col. 7, line 51 to col. 8, line 46.)

Barrick is not seen to teach or to suggest the features of predicting an end time of the generation of requested data if the generation thereof has not completed, and transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress.

Sugariarto has been carefully reviewed and is not seen to remedy the deficiencies of Barrick. More particularly, Sugariarto is seen to concern designating and retrieving information over the internet using a configuration file generated by a user. The configuration file created by the user specifies the information the user would like to retrieve and how the information is to be displayed. (See Sugariarto, abstract and col. 2, lines 5 to 26). At col. 6, lines 41 to 65, Sugariarto is seen to describe the user's ability to specify a compression ratio in order to reduce the download time for the information retrieval. This is not seen to be the same as predicting an end time of the generation of requested data if the generation thereof has not completed, and transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress.

Accordingly, the Sugiarto, in particular the cited portions thereof, is not seen to teach or to suggest the features of Claim 1.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicant submits that Claims 5 and 9 are believed to be in condition for allowance for at least the same reasons.

Claims 2, 3, 6 and 7 each depend from one of the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Claims 4, 8 and 10

Claim 4 defines a data processing method performed by a terminal for receiving data from a server via a network. An issuing step issues a request for data loading to the server. In a display step, data received from the server is displayed in response to the request. A data discriminating step discriminates whether the received data is the requested data or a predicted end time for generation of the requested data together with the display data indicating that the data generation is in progress. A re-issuing step, in case the predicted end time for data generation is received, re-issues the request for data loading to the server when the predicted end time is reached.

The applied art, namely Barrick and Sugiarto, is not seen to teach or to suggest the features of Claim 4. More particularly, neither Barrick nor Sugiarto, either alone or in any permissible combination thereof, is seen to teach or to suggest the features of discriminating whether data received from the server is requested data or a predicted end time for generation of the requested data together with the display data indicating that the data generation is in progress, and re-issuing, in case the predicted end time for data

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generation is received, the request for data loading to the server when the predicted end time is reached.

Barrick is seen to describe measuring the actual time for downloading data using a browser agent, as discussed above. Barrick, and in particular the cited portions thereof, is not seen to teach or to suggest the above-identified features of Claim 4.

Sugiarto is also not seen to teach or to suggest the features of Claim 4. Sugiarto is seen to describe allowing a user to specify a compression ratio to reduce the time for downloading in creating a configuration file, as discussed above.

Neither Barrick nor Sugiarto, either alone or in combination is seen to teach or to suggest the features of discriminating whether data received from the server is requested data or a predicted end time for generation of the requested data together with the display data indicating that the data generation is in progress, and re-issuing, in case the predicted end time for data generation is received, the request for data loading to the server when the predicted end time is reached.

Therefore, for at least the foregoing reasons, Claim 4 is believed to be in condition for allowance. Further, Applicant submits that Claims 8 and 10 are believed to be in condition for allowance for at least the same reasons.

CONCLUSION

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,
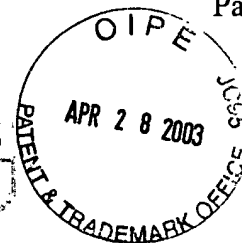
Attorney for Applicants

Registration No. 39,000

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 62370 v 1

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Amendments in a Revised Format Now Permitted

Office of Patent Legal Administration << Pre-OG Notices << << Amendments in a Revised Format Now Permitted

The United States Patent and Trademark Office (USPTO or Office) is permitting applicants to submit amendments in a revised format as set forth herein. The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

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The revised amendment format is an expansion of the special amendment process instituted for a prototype Electronic File Wrapper program described in USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"). The special amendment process (which was limited to claims) has proven overwhelmingly acceptable to applicants participating in the prototype and beneficial to examiners. The revised amendment format provides for amendments to be made to the specification and the drawings in addition to the claims.

Effective immediately, **all** applicants, including applicants participating in the prototype, may submit amendments using the revised amendment format set forth herein. Applicants may wish to submit all amendments in the revised amendment format because: (1) it will facilitate transition to a revised amendment format when it becomes mandatory, (2) inconsistent versions of claim amendments (clean and marked-up) will be avoided, and (3) time and resources will be saved.

WAIVER of 37 CFR 1.121

The provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments to the **claims, specification, and drawings** in all applications in all Technology Centers where the amendments comply with the revised amendment format detailed below. Note: The revised amendment format (and the waiver) does **not** apply to 37 CFR 1.121(h) and (i) which indicate that amendments to reissue applications and reexamination proceedings are governed by 37 CFR 1.173 for reissue applications and 37 CFR 1.530 (d)-(k) for *ex parte* and *inter partes* reexaminations.

In addition, the WAIVER indicated in the above mentioned Prototype Announcement for the limited (claims only) amendment process of that prototype is also expressly continued and amendments in applications (other than reissue applications) in all Technology Centers that comply with the requirements in that announcement will be acceptable.

REVISED AMENDMENT FORMAT

I. Begin Sections on Separate Sheets:
Each section of an amendment paper (e.g., Amendments to the Specification, Amendments to the Claims, Remarks) shall begin on a separate sheet to facilitate separate indexing and electronic scanning of the document.

For example, each of the following four sections of an amendment paper must start on a separate sheet:

    a.) Introductory Comments

b.) Amendments to the Specification
c.) Amendments to the Claims
d.) Remarks

II. Submit Only One Version (with markings) of an Amended Part:
The requirement to provide two versions of a replacement paragraph, section, or claim (a clean version and a marked up version), as set forth in current 37 CFR 1.121, is waived where the format set forth below is followed.

III. Amendments to the Claims

A.   A Complete Listing of Claims is Always Required:

If an amendment adds, changes or deletes any claim, a detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remains under examination in the application, must be presented, and the amendment to the claims is expressed in the listing. The listing shall be presented as follows:

1. Ascending Order and Status Identifier Required
The listing shall be provided in sequential ascending numerical order (beginning with claim 1). A status identifier shall be provided for every claim in a parenthetical expression following the claim number (e.g., "Claim 1. (original)"). A list of acceptable status identifiers is set forth in part B, below. The text of **all** claims under examination shall be submitted each time any claim is amended. Cancelled and withdrawn claims should be indicated by only the claim number and status. The text of cancelled or withdrawn claims should not be presented.

2. Markings in Currently Amended Claims Required
All claims *being currently amended* shall be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). No separate "clean" version should be submitted for currently amended claims, as this requirement has been eliminated. **Markings should only be made in claims being currently amended in an amendment paper.**

3. Only Clean Text Required for Other Claims Under Examination.
The text of pending claims *not being currently amended* that are under examination shall be presented in a clean version in the listing. Any claim presented in clean version constitutes an assertion that it has not been changed relative to the immediate prior version.

4. Status to Effect Claim Cancellation or Addition.
A claim may be cancelled by merely indicating the status of the claim as cancelled. Any new claim added by amendment must be indicated by the appropriate status identifier and shall not be underlined. Thus, added new claims of status (new), (reinstated - formerly claim #_) and (re-presented - formerly dependent claim #_) must be presented in clean version. Additional claims may be subject to additional fees, as appropriate.

5. When Grouping of Claims is Permitted.
Consecutive cancelled or withdrawn claims may be aggregated into one line of the listing (e.g. Claims 1 - 5 (cancelled)).

6. Use "Currently Amended" Status Where Applicable.
If any "previously reinstated" or "previously re-presented" claim is
being amended, the status shall be indicated as "currently amended"
with markings as indicated in paragraph A2, above. Multiple status
identifiers should not be used for any single claim.

B.   Status Identifiers that May be Used:

In order to promote uniformity and consistency, only the following eleven (11) defined status
identifiers should be used to indicate the status of the claims (in parentheses after the claim
number):

1. (Original):	Claim filed with the application following the specification (i.e., not added by preliminary amendment).
2. (Currently amended):	Claim being amended in the current amendment paper.
3. (Previously amended):	Claim not being currently amended, but which was amended in a previous amendment paper.
4. (Cancelled):	Claim cancelled or deleted from the application.
5. (Withdrawn):	Claim still in the application, but in a non-elected status.
6. (Previously added):	Claim added in an earlier amendment paper.
7. (New):	Claim being added in the current amendment paper.
8. (Reinstated - formerly claim # _):	Claim deleted in an earlier amendment paper, but re-presented with a new claim number in current amendment.
9. (Previously reinstated):	Claim deleted in an earlier amendment and reinstated in an earlier amendment paper.
10. (Re-presented - formerly dependent claim # _):	Dependent claim re-presented in independent form in current amendment paper.
11. (Previously re-presented):	Dependent claim re-presented in independent form in an earlier amendment, but not currently amended.

C.   Example of Listing of Claims:

Claims 1-5 (cancelled)
Claim 6 (withdrawn)
Claim 7 (previously amended): A bucket with a handle.
Claim 8 (currently amended): A bucket with a ~~green~~ <u>blue</u> handle.
Claim 9 (withdrawn)
Claim 10 (original): A bucket with a wooden handle.
Claim 11 (cancelled)

Claim 12 (new): A bucket with plastic sides and bottom.
Claim 13 (previously added): A bucket having a circumferential upper lip.
Claim 14 (re-presented - formerly claim 11): A black bucket with a wooden handle.

IV. Amendments to the Specification

Amendments to the specification are to be made by presenting replacement paragraphs, sections or a substitute specification marked up to show changes made relative to the immediate prior version, as set out in 37 CFR 1.121(b). The changes should be shown by strikethrough (for deleted matter) or underlining (for added matter). No accompanying "clean" version shall be supplied. The amendments to the specification shall be presented only one time, and will not appear in successive amendment documents.

V. Amendments to the Drawings

Amendments to the drawing figures shall be made by presenting replacement figures which include the desired changes, without markings, and which comply with § 1.84. The changes shall be explained in the accompanying remarks section of the amendment paper. If the amended drawings are not approved, the applicant will be notified in the next Office action. Any amended drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure number in the amended drawing should not be labeled as "amended."

For further information on the prototype image electronic processing of patent applications, please contact the Search and Information Resources Administration at: **image.processing@uspto.gov**. Any questions regarding the submission of amendments pursuant to the revised practice set forth in this notice should be directed to Elizabeth Dougherty (**Elizabeth.Dougherty@uspto.gov**), Gena Jones (**Eugenia.Jones@uspto.gov**) or Joe Narcavage (mailto:**Joseph.Narcavage@uspto.gov**). For information on the waiver or legal aspects of the program, please contact Jay Lucas (**Jay.Lucas@uspto.gov**) or Rob Clarke (**Robert.Clarke@uspto.gov**).

Date: _1/31/03_

Signed: _/s/_____
STEPHEN KUNIN
Deputy Commissioner for Patent
Examination Policy

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